

EXHIBIT A

PROCESS SERVER DELIVERY DETAILS

Date: Fri, Sep 16, 2022
Server Name: Drop Service

Entity Served	COSTCO WHOLESALE CORP
Case Number	2231CC00908
Jurisdiction	MO

Inserts		





IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Service

Judge or Division: MICHAEL J CORDONNIER	Case Number: 2231-CC00908
Plaintiff/Petitioner: L MILLER	Plaintiff's/Petitioner's Attorney/Address ROBIN ANNE KOOGLER 108 S PLEASANT ST INDEPENDENCE, MO 64050
Defendant/Respondent: COSTCO WHOLESALE CORPORATION DBA: COSTCO WHOLESALE #1486	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Employmnt Discrmntn 213.111	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **COSTCO WHOLESALE CORPORATION**

Alias:

DBA: **COSTCO WHOLESALE #1486**

CT CORPORATION SYSTEM
120 S CENTRAL AVE
CLAYTON, MO 63105

COURT SEAL OF



GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

08/31/2022

Date

/s/ Thomas R. Barr by ar

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.

☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).

☐ other: _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

L. MILLER4021 NE 95th Terr.

Kansas City, MO 64156

Plaintiff,**v.****COSTCO WHOLESALE CORPORATION****D/B/A COSTCO WHOLESALE #1486**

279 N Eastgate Ave.

Springfield, MO 65802

Serve: CT Corporation System

120 S Central Ave.

Clayton, MO 63105

Defendant.**Case No.****JURY TRIAL DEMANDED****PETITION****I. Preliminary Statement**

1. COMES NOW, Plaintiff, L. Miller, by and through his attorneys of record, Kevin Baldwin, Eric Vernon, Sylvia Hernandez and Robin Koogler of Baldwin & Vernon, and brings this cause of action against Defendant Costco Wholesale Corporation d/b/a Costco Wholesale #1486, hereinafter referred to as "Defendant Company." This action seeks declaratory, injunctive and equitable relief, actual, compensatory and punitive damages, and costs and attorney's fees in accordance with R.S.M.o §213 *et. seq.*, and under Missouri Common Law for Defendant's conduct and actions taken against Plaintiff.

II. Jurisdiction

2. Plaintiff is alleging claims of employment discrimination and retaliation under the Missouri Human Rights Act (MHRA), 213.010, *et seq.*, R.S.MO., for discrimination based upon his age, disability, and failure to hire.

3. Jurisdiction is invoked pursuant to §213.010 *et seq.* R.S.MO. A Right-To-Sue letter was issued by the Missouri Commission on Human Rights (MCHR) on August 12, 2022. The Right-To-Sue Letter, including a copy of Plaintiff's original charges filed with the Equal Employment Opportunity Commission and the MCHR, is attached hereto as exhibit 1 and the facts and circumstances stated therein are hereby incorporated as if fully set forth herein.

4. The Plaintiff, based upon reasonable belief at this time absent discovery, indicates that the amount of compensatory and/or special damages in controversy is in excess of \$25,000.00; in addition, Plaintiff seeks declaratory, injunctive and equitable relief, as well as punitive damages, pursuant to §213.010 *et seq.* R.S.MO. Costs and attorneys' fees may be awarded pursuant to §213.010 *et seq.* R.S.MO. and are requested by Plaintiff.

III. Venue

5. This action properly lies in the Circuit Court of Greene County, Missouri, pursuant to §213.010 *et seq.* R.S.MO., because the claim arose in this judicial district, and because unlawful employment practices were committed in this judicial district.

IV. Parties

6. Plaintiff is a resident of the United States residing at 4021 NE 95th Terr., Kansas City, MO 64156.

7. Defendant Costco Wholesale Corporation d/b/a Costco Wholesale #1486, hereinafter referred as "Defendant Company," is an employer engaged in an industry affecting commerce, and, upon information and belief, employs more than 100 regular employees. Defendant Company is a corporation, (containing within its charter the requisite authority to sue and be sued), and does business in this judicial district, doing business at various locations located within Greene, Missouri, at relevant times referred to herein, and specifically at 279 N Eastgate

Ave., Springfield, MO 65802. Defendant Company is an employer within the meaning of §213.010, *et seq.*, R.S.MO. Defendant Company is subject to the MHRA's prohibition on employment discrimination and retaliation for its employees.

10. Prior to filing this Petition for Damages, Plaintiff sought administrative relief through the Equal Employment Opportunity Commission and the Missouri Commission on Human Rights to no avail and exhausted all required administrative procedures prior to filing this Petition for Damages.

V. Facts Common to All Counts

11. Plaintiff, L. Miller, is a 57-year-old male, who applied for a pharmacy manager position at Costco Wholesale Corporation d/b/a Costco Wholesale #1486 ("Defendant Company") on or about June 12, 2021.

12. On or about June 14, 2021, Michael Gorski from Defendant Company called Plaintiff to discuss his background and experience as well as to schedule an interview.

13. Plaintiff was led to believe that the interview was a mere formality to the application process and that he was a good fit for the position.

14. On or about July 29, 2021, Plaintiff drove to Springfield for his interview and met with Michael.

15. On the date of the interview, Plaintiff was on a knee scooter due to the amputation of his lower leg.

16. The interview lasted about forty-five minutes.

17. Approximately two days later, Plaintiff received an e-mail from Defendant Company saying thank you for applying, but they had decided to move onto another candidate.

18. It is Plaintiff's contention that Defendant Company failed to hire him on the basis of his disability (amputation of lower extremity) and his age.

19. Plaintiff has experienced, is now experiencing, and will continue to experience into the indefinite future, garden variety emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses as a direct result of Defendant Company's conduct.

20. Plaintiff has suffered and will continue to suffer future pecuniary losses as a direct result of Defendant Company's conduct.

21. Defendant Company and its managers and other employees actively engaged in discrimination against Plaintiff with malice or in reckless indifference to her right to be free from such discrimination under the MHRA.

VI. Causes of Action

COUNT I

AGE DISCRIMINATION AGAINST DEFENDANT COMPANY

22. Plaintiff hereby incorporates and re-alleges all previously alleged Paragraphs as if fully set forth herein.

23. Plaintiff is an individual subject to the protection of the MHRA based upon the fact that he was over 40 years old at the time of the events alleged herein.

24. Defendant Company's actions, as noted above, constituted discrimination against the Plaintiff in violation of the MHRA.

25. Defendant Company failed to hire Plaintiff's and Plaintiff's age was a ***motivating factor*** in the decision to not hire him for employment.

26. At the time these actions were taken by Defendant Company, Defendant Company

knew these actions were unlawful and that they were done with an evil motive and/or reckless indifference to the rights of Plaintiff to be free from such discrimination.

27. Defendant Company's actions were unlawful employment practices in violation of the MHRA.

28. Plaintiff has been damaged by Defendant Company's unlawful employment actions.

COUNT II

DISCRIMINATION BASED UPON DISABILITY/PERCEIVED/REGARDED AS DISABLED AGAINST DEFENDANT COMPANY

29. Plaintiff hereby incorporates and re-alleges all previously alleged Paragraphs as if fully set forth herein.

30. At the time of the unlawful employment actions, Plaintiff was an individual with a disability and, as such, was a member of the protected group under §213 *et seq.*, R.S.MO.

31. Defendants perceived Plaintiff as being disabled and that perception was a *motivating factor* in the decision to not hire Plaintiff.

32. At all times alleged herein, Plaintiff was an individual with a disability and was capable of performing the essential functions of his job with or without reasonable accommodations.

33. At the time these actions were taken by Defendant Company, Defendant Company knew these actions were unlawful and that they were done with an evil motive and/or reckless indifference to the rights of Plaintiff to be free from such discrimination.

34. Defendant Company's actions were unlawful employment practices in violation of the MHRA.

35. Plaintiff has been damaged by Defendant Company's unlawful employment

actions.

VII. Prayer for Relief

36. Wherefore, Plaintiff prays that this Court:

- a. declare the conduct engaged in by Defendant Company to be in violation of Plaintiff's rights;
- b. enjoin Defendant Company, and its managers/supervisors from engaging in such conduct;
- c. restore Plaintiff to his rightful position or, in lieu of reinstatement, order front salary and benefits for the period remaining until normal retirement;
- d. award Plaintiff equitable relief of back salary and fringe benefits up to the date of reinstatement and prejudgment interest for that entire period or front salary and benefits accrual;
- e. award Plaintiff compensatory, punitive and liquidated damages against all Defendants;
- f. award Plaintiff damages for emotional pain and suffering;
- g. award Plaintiff his costs and attorneys' fees; and
- h. grant such other relief as it may deem just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff demands trial by jury on all issues triable by a jury in this complaint.

Respectfully submitted,

By: /s/ Robin Koogler

Kevin Baldwin, MO Bar No. #49101

Eric Vernon, MO Bar No. #47007

Sylvia Hernandez, MO Bar No. #70670

Robin Koogler, MO Bar No. #71979
BALDWIN & VERNON
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Kevin@bvalaw.net
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Robin @bvalaw.net
ATTORNEY FOR PLAINTIFF



MICHAEL L. PARSON
GOVERNOR

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS **2231-CC00908**
MISSOURI COMMISSION ON HUMAN RIGHTS

ANNA S. HUI
DEPARTMENT DIRECTOR

TIMOTHY FABER, DMIN.
COMMISSION CHAIR

ALISA WARREN, PH.D.
EXECUTIVE DIRECTOR

August 12, 2022

Lance Miller
4021 N.E. 95th Terrace
Kansas City, MO 64156
Via Complainant Attorney Email

NOTICE OF RIGHT TO SUE

RE: Miller vs. Costco Wholesale
FE-10/21-33742 563-2022-00237

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period for any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of this complaint and MCHR has not completed its administrative processing.

(continued on next page)



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JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325
FAX: 573-751-2905



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111 N. 7TH STREET, SUITE 903
ST. LOUIS, MO 63101-2100
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KANSAS CITY OFFICE
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SIKESTON OFFICE
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SIKESTON, MO 63801-5454
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Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711
www.labor.mo.gov/mohumanrights E-Mail: mchr@labor.mo.gov

RE: Miller vs. Costco Wholesale
FE-10/21-33742 563-2022-00237

In addition to the process described above, if any party is aggrieved by this decision of the MCHR, that party may appeal the decision by filing a petition under § 536.150 of the Revised Statutes of Missouri. Any such petition must be filed in the Circuit Court of Cole County.

Respectfully,



Alisa Warren, Ph.D.
Executive Director

Costco Wholesale
Human Resources Director
279 N. Eastgate Avenue
Springfield, MO 65802

Kassie Vargas, Paralegal
Baldwin & Vernon
Via Email



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